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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/749,085	12/30/2003	Jacob H. Morelissen	25355A	25355A 7960		
22889 7	7590 08/01/2005		EXAM	EXAMINER		
OWENS CORNING			HORTON, YVO	HORTON, YVONNE MICHELE		
2790 COLUM GRANVILLE,		ART UNIT	PAPER NUMBER			
,	,		3635			
			DATE MAILED: 08/01/200	DATE MAILED: 08/01/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

10/749,085 MORELISSEN ET AL Examiner										
Examiner					Applicant(s)					
Voonne M. Horton 3635	Office Action Summan			,	MORELISSEN ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of tem map be available under the proteins of 37 CPR 1.13(a). In sevent, however, may a reply be timely filled after 50x (6) MONTHS from the mailing date of this communication of the 50x (6) MONTHS from the mailing date of this communication. If No period for reply is specified above, the maximus talkarely parked will easily and will early 50x (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended principle for reply will, by statute, cause the application to become ABANCONED (35 U.S.C. § 133). Acet of the second by this office and such an internal statute principle will be statuted. Set (6) MONTHS from the mailing date of this communication, even if smelp filled, may reduce any Status 1) □ Responsive to communication(s) filled on 20 December 2003. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-20 is/are pending in the application. 4a) □ Of the above claim(s)		Onice Action Summary			Art Unit					
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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,14-18,29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,096,033 to FRANCK et al.

In reference to claim 1, FRANCK et al. discloses a ceiling panel having a main frame similar to (23,24) and (39,40,43,44), at least two crossing members (31,32) and (41,42), and facing material (33,34) and (38) adhered to the main frame (23,24) and (49,40,43,44). In reference to claim 2, the main frame (23,24) and (39,40,43,44) and crossing members (31,32) and (41,42) are one-piece, column 1, lines 17-19. Regarding claim 3, the main frame (23,24) and (39,40,43,44) and the crossing members (31,32) and (41,42) are molded plastic, column 1, lines 17-19. In reference to claim 14, the main frame (23,24) and (39,40,43,44) is square. Regarding claim 15, the crossing members (31,32) and (41,42) are arranged in an X-shape.

In reference to claim 16, dislocses the method of making a ceiling panel including the steps of providing a main frame (23,24) and (39,40,43,44), providing first and second crossing members (31,32) and (41,42), providing a facing material (33,34) and (38), affixing the facing member to the main frame (23,24) and (39,40,43,44) and the crossing members (31,32) and (41,42). Regarding claim 17, the main frame (23,24)

and (39,40,43,44) and crossing members (31,32) and (41,42) are one-piece, column 1, lines 17-19. Regarding claim 18, the main frame (23,24) and (39,40,43,44) and the crossing members (31,32) and (41,42) are extruded plastic, column 1, lines 17-19. In reference to claim 29, the main frame (23,24) and (39,40,43,44) is square. Regarding claim 30, the crossing members (31,32) and (41,42) are arranged in an X-shape".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-9 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,096,033 to FRANCK et al. FRANCK et al. discloses the basic claimed structure except for the specific material of the main frame and cross members and except explicitly detailing that the main frame and crossing members are welded. FRANCK et al. discloses that his ceiling member is made from plastic; however, he is

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not particular as to the type of material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the main frame and crossing members out of a flame retardant plastic material since it would have been obvious to select a known material on the basis of its suitability for the use intended as an obvious matter of design choice. If the panel is being used in an environment known for exposure to excessive moisture, perhaps plastic is suitable. However, if excessive water or moisture is not an issue, then may be a stell or aluminum panel would be appropriate.

Allowable Subject Matter

Claims 10-13 and 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yvonne M. Horton Art Unit 3635 6/26/05